



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/963,935 | 09/26/2001 | Neil A. Czamecki | 899-00085 | 1287 |

26753 7590 07/14/2003

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

TANG, MINH NHUT

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2829

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,935

Applicant(s)

CZARNECKI, NEIL A.

Examiner

Minh N. Tang

Art Unit

2829

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 26, 2001 (Paper No. 2) is considered by the examiner.

Specification

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flegel (U.S.P. 6,107,701) in view of Panuce et al. (U.S.P. 6,531,790).

As to claim 1, Flegel discloses, in Figs. 1 and 4, a power transfer arrangement for supplying power from a generator (10, Fig. 1) to the electrical system of a building (14, Fig. 1) in the event of a utility power interruption, the power transfer arrangement having a power transfer switching mechanism (16, Fig. 1 or 16', Fig. 4) adapted for interconnection with the building electrical system and including a cabinet (see column 5, line 15) having panel structure (46, 48) provided with various electrical components (52) for transferring power to various load circuits (12, see column 6, lines 40-48), comprising: a generator status information display (106, 108, Fig. 4) mounted on the

Art Unit: 2829

cabinet (i.e., mounted on cover 58', Fig. 4) for measuring and displaying actual wattage supplied by the generator (10) to the load circuits (12). Flegel does not show a generator status information display also measures and simultaneously displays voltage supplied by the generator (10) to the load circuits (12). Panuce et al. disclose, in Fig. 1, a generator transfer switching system (10) comprising a generator (12), a multi-position transfer switch (14), and a main electrical panel (16), the multi-position transfer switch (14) being mounted in a cabinet (15) with accessory items such as fuses or circuit breakers, watt meters, volt meters, amp meters (see column 3, lines 17-24). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the power transfer arrangement of Flegel by providing the volt meters as taught by Panuce et al. so that the volt meters would be used for monitoring electrical power in response to the supplying of generator power.

As to claim 4, Flegel discloses in column 7, lines 30-35, the generator status information display (106, 108) includes an indicator (122, Fig. 4) representing the availability of utility power.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flegel (U.S.P. 6,107,701) in view of Panuce et al. (U.S.P. 6,531,790) as applied to claim 1 above, and further in view of Havel (U.S.P. 4,812,744).

As to claim 2, Flegel in view of Panuce et al. disclose all limitations recited in the claim except for the generator status information display includes at least a three color LED scheme for indicating acceptable, cautionary and overage conditions. Havel discloses, in Figs. 1a-1e, a variable color bar graph display (11) including at least a

Art Unit: 2829

three color LED scheme (green, yellow, red) for indicating acceptable, cautionary and overage conditions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the apparatus of Flegel in view of Panuce et al. by providing a three color LED scheme as taught by Havel so that the variable color bar graph display would be used to indicate different combinations of a measured value and limits.

As to claim 3, Flegel in view of Panuce et al. and further in view of Havel disclose the generator status information display (106, 108) is comprised of a pair of electronic wattage graphs (120), each wattage graph (120) being flanked by an electronic voltage graph (11).

Allowable Subject Matter

6. Claims 5-10 are allowed.

Claims 5-10 recite, inter alia, a generator condition monitor for a power transfer switching mechanism adapted for interconnection with a building electrical system during a utility power interruption, the monitor comprising: at least one climbing bar graph wherein both size and color of the graph are indicative of real time power consumption of the generator, and at least one moving dot graph wherein the relative position and color of the dot are indicative of the real time output voltage of the generator.

The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

Art Unit: 2829

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Crass et al. 5,412,312 Frequency And Instantaneous Voltage Level Meter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh N. Tang whose telephone number is (703) 305-1652. The examiner can normally be reached on M-F (6:30-4:00) first Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Cuneo, Kamand can be reached on (703) 308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Minh Tang
June 17, 2003



KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800